

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL UNDERWOOD,	X	
Plaintiff,	:	
-vs-	:	CIVIL ACTION NO:
KEOLIS COMMUTER SERVICES, LLC.	:	
Defendant.	:	
	X	

COMPLAINT

COUNT I

1. The plaintiff is a resident of Everett, Massachusetts and brings this action against the defendant, Keolis Commuter Services, LLC. Keolis is a railroad corporation established as a foreign Limited Liability Company registered with the Massachusetts Secretary of State's Corporations Division, and is authorized to conduct business in Massachusetts, with a principal place of business at 53 State Street, 11th Floor, Boston, Massachusetts 02109. This action is brought by virtue of the provisions of the Federal Employers' Liability Act, 45 U.S.C.A., Section 51, et seq.
2. During all the times herein mentioned, the defendant was a common carrier, engaged in the business of interstate commerce, and, as such, operated a railroad in such business between the said Boston, Massachusetts and Providence, Rhode Island; and, at the time the plaintiff received the injuries complained of, both he and the defendant were engaged in interstate commerce, within the meaning of the said Federal Employers' Liability Act.
3. On or about, December 9, 2020, the plaintiff was employed as a mechanic by the defendant and was engaged in his duties for Keolis at their Southampton Street Yard in Boston,

Massachusetts, which yard, tracks, rails, engines, trains, crane and all other equipment and appliances appurtenant thereto were owned and/or operated and/or controlled and/or maintained by the defendant, and as a result of the negligence of the defendant, its agents, servants or employees, the plaintiff was injured.

4. On or about, December 9, 2020, the plaintiff sustained serious injuries to his elbow, knee, and foot when he slipped and fell from an ice covered locomotive. Plaintiff required surgery and extensive physical therapy as a result of the accident. Said injuries were caused by the negligence of Keolis in that:

1. They failed to provide Plaintiff with a reasonably safe place to work.
2. They failed to properly inspect the locomotive for ice and slipping hazards.
3. They failed to warn the Plaintiff of the accumulation of ice.
4. They failed to properly remove / de-ice the locomotive.
5. They failed to provide the Plaintiff with an adequate job safety briefing.
6. They violated OSHA regulations.
7. They violated Keolis safety rules.
8. They were otherwise negligent or reckless.

5. As a result of the said accident, the plaintiff was made sick, sore and lame and has suffered great pain of body, anguish of mind and will so continue to suffer for an indeterminate period of time in the future; that prior to said accident, the plaintiff was a strong, able-bodied man, capable of earning and actually earning the wages of a mechanic as an employee of the defendant; that as a result of the said accident, the plaintiff has been incapacitated and prevented from engaging in his employment and that the plaintiff may continue to be so incapacitated in the future; that the plaintiff has been and for some time in the future will be caused to incur expenses for doctors' and hospital services and for medicine in caring for the said injuries.

COUNT II

1. The plaintiff is a resident of Everett, Massachusetts and brings this action against the defendant, Keolis Commuter Services, LLC. Keolis is a railroad corporation established as a foreign Limited Liability Company registered with the Massachusetts Secretary of State's Corporations Division, and is authorized to conduct business in Massachusetts, with a principal place of business at 53 State Street, 11th Floor, Boston, Massachusetts 02109. This action is brought by virtue of the provisions of the Federal Employers' Liability Act, 45 U.S.C.A., Section 51, et seq.
2. During all the times herein mentioned, the defendant was a common carrier, engaged in the business of interstate commerce, and, as such, operated a railroad in such business between the said Boston, Massachusetts and Providence, Rhode Island; and, at the time the plaintiff received the injuries complained of, both he and the defendant were engaged in interstate commerce, within the meaning of the said Federal Employers' Liability Act.
3. On or about, December 9, 2020, the plaintiff was employed as a mechanic by the defendant and was engaged in his duties for Keolis at their Southampton Street Yard in Boston, Massachusetts, which yard, tracks, rails, engines, trains, crane and all other equipment and appliances appurtenant thereto were owned and/or operated and/or controlled and/or maintained by the defendant, and as a result of the failure of the defendant, its agents, servants or employees, to use reasonable care to provide the plaintiff a safe place in which to work and to furnish him with safe and suitable tools, appliances and equipment, the plaintiff was injured.
4. On or about, December 9, 2020, the plaintiff sustained serious injuries to his elbow, knee, and foot when he slipped and fell from ice covered locomotive stairs. Keolis failed to provide Plaintiff with a safe place to work and to furnish him with safe and suitable tools, appliances and equipment in that the locomotive was left covered in ice in a reckless and negligent manner so as to injure the plaintiff.

5. As a result of the said accident, the plaintiff was made sick, sore and lame and has suffered great pain of body, anguish of mind and will so continue to suffer for an indeterminate period of time in the future; that prior to said accident, the plaintiff was a strong, able-bodied man, capable of earning and actually earning the wages of a mechanic as an employee of the defendant; that as a result of the said accident, the plaintiff has been incapacitated and prevented from engaging in his employment and that the plaintiff may continue to be so incapacitated in the future; that the plaintiff has been and for some time in the future will be caused to incur expenses for doctors' and hospital services and for medicine in caring for the said injuries.

WHEREFORE, the plaintiff demands judgment against the defendant in an amount ONE MILLION DOLLARS \$1,000,000.00. together with interest and costs and such other relief as this Honorable Court may deem necessary.

PLAINTIFF RESERVES THE RIGHT TO A JURY TRIAL

MICHAEL UNDERWOOD
By his attorneys,

DATE: October 13, 2022

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